



TOWN OF WEARE
PLANNING BOARD
ZONING BOARD OF ADJUSTMENT
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Naomi L. Bolton
Land Use Coordinator

Office Hours:
Monday
thru
Friday
8 AM – 4:30 PM

**PLANNING BOARD
MINUTES
DECEMBER 11, 2008
(Approved as written 1/22/09)**

PRESENT: Paul Morin, Chairman; Craig Francisco, Vice Chairman; George Malette, Secretary; Tom Clow, Exofficio; Frank Bolton; Neal Kurk, Alternate; Naomi Bolton, Land Use Coordinator

GUESTS: NONE

I. CALL TO ORDER:

Chairman Paul Morin called the meeting to order at 7:00 PM at the Weare Town Office Building.

II. WORK SESSION:

DISCUSS 2009 PROPOSED ZONING AMENDMENTS: *Amendment No. 1 – to add a new Article 35 - Small Wind Energy Systems.* Neal Kurk and George Malette each have a version. Mr. Kurk's version is Weare specific where Mr. Malette's is the State (OEP) version. Mr. Kurk felt the state version wouldn't afford the Town of Weare protection. Mr. Kurk stated that one of the things he had added and did not change was the kind of tower. His version requires the monopole and the state allows a couple of different kinds. Mr. Malette stated that the Town is under the statute and we have to be careful because whatever we do can not unreasonably limit these systems to be allowed. The OEP version and the standards they are specific to Weare even though they are general. Mr. Malette felt there was no need to restrict them in some zones and not others, because the tower height alone will not allow them in all zones. The decibel level is another standard that will keep it from being allowed all over Town. Mr. Kurk suggested in the essence of time he would like to try to get together with Mr. Malette in the next week and finalize this for next weeks meeting. Mr. Malette pointed out that the monopole in his mind is very restrictive, it requires a huge base, to fix them requires the whole monopole to be set down to be worked on, he feels there are other types that can be more easily accessible. Frank Bolton stated that he would like to think the planning board would choose the route that would be the best for a residential home. He has no interest in enhancing the commercial opportunity. Chairman Morin stated that he would like encourage Mr. Malette and Mr. Kurk to work together. Mr. Malette stated that he has no time between now and next Thursday that is why he would like to do it now. Mr. Kurk stated that the section on violations does not belong in here because we

already have that in our ordinance. He tried to write an ordinance Weare specific similar to the state model. Mr. Kurk offered to take the time and do the side by side comparison. Craig Francisco stated that he compared it quickly with the state version and he thought the only real issues seem to be the monopole versus other types of towers; the height of the towers; signs; a little language of visual impacts; roof mounted systems are allowed in all districts but the second line talks about not allowing.

Chairman Morin stated that he will call Eric at OEP to discuss the maximum height requirement of 75 vs. 150 when there is no tree canopy. Chairman Morin added that the type of structure and some of the above issues are really what we are down to. He stated that we are leaning towards amending Mr. Kurk's version and trying to come together on any changes for next week.

Amendment No. 2 – eliminate cell towers in the historic districts: This amendment was discussed and it appeared fine as written.

Amendment No. 3 – amend article for further farmland protection: This amendment was discussed and there are no change is substance but had to do with procedure.

Amendment No.4 – amend the definition of “lot”: This amendment was discussed and it appeared fine as written.

Amendment No. 5 – add a subsequent offense enforcement fee: This amendment is to update to coincide with State law.

Amendment No. 6 – allow the open space to be protected by “covenants” and to be held by the “land owners” and such open space “may” be deemed to the Town in fee: The board discussed this amendment and decided to remove “at the option of the applicant” from the paragraph and add “unless the planning board determines such access is not in the public interest” to the end of paragraph.

Amendment No. 7 – allow temporary disturbance of the buffer if there is a restoration plan and add an exception for any disturbance associated with an approved dredge and fill issued by the NHDES: The board discussed this and feel that the WCC need to weigh in on. Naomi to forward WCC entire document and tell them we have certain interests for them individually. George Malette asked if he could be included too.

Amendment No. 8 – add a new Growth Management and Innovative Land Use Controls article: Frank Bolton stated that it was pretty thoroughly discussed the last time and he would like to have it left as is for the discussion at next weeks public hearing.

Amendment No. 9 – Changes made to the flood plain ordinance that are necessary to comply with the National Flood Insurance Program: These are changes suggested by the Office of Energy and Planning (OEP) that need to be done to make sure we are compliant with the laws.

Amendment No. 10 – petitioned article to change the zoning or a piece of property from Commercial to Residential: This is a petitioned article. No changes can be made. It will be discussed at the final public hearing, when recommendations need to be made.

Amendment No. 11 – further define accessory apartment under section 19.1.10.1: This was discussed and a possible change to be made so that an accessory apartment will be clearly incidental. (Mr. Kurk stated that he would be send wording to Naomi.)

Amendment No. 12 – amend the definition of Accessory Dwelling Unit Apartment: With the above proposed changed the definitions need to be looked at clearly.

TERM LIMITS OF PLANNING BOARD MEMBERS: Frank Bolton stated that he has given this a little thought and has felt term limits would be difficult to achieve. He would suggest some language like, “that an alternate in good standing that has served for 3 years would replace the senior member and that no more than 2 replacements are done in any given year”. It rotates and gives a little bit of a turnover and some reasonable way to have turnover on any board is a good plan. Neal Kurk stated that he has a different view. He thinks that this board and no other board should recommend their successors. The Board of Selectmen should recommend the volunteers. Everything that Mr. Bolton talked about the Selectmen can do on their own. As a practical matter is constrained with most of the boards in Town and we just don’t have enough volunteers in Town to make all this work and give them a choice. He doesn’t see the need for this. We have a mechanism in place already. Mr. Bolton thinks that it would be something the Town should do. He doesn’t think that entrenched members of any board are really something that is good for the long term. George Malette stated that he didn’t think term limits are a good idea. He pointed out that in the statutes there are only three (3) ways to remove a member from the Planning board during their term. Chairman Morin stated that at the end of three (3) years we are reappointed by the Board of Selectmen. He is not unaware of any cases and the Board of Selectmen need to have the ability to step in at that point. Mr. Bolton that he has had conversations with another board and she was secretary and an alternate and she was concerned that she would never get on the board because the members were so entrenched. He thinks it would be a positive thing. The consensus of the board was that things were going to be left as they are.

III. OTHER BUSINESS:

NOVEMBER 20, 2008 MINUTES: George Malette moved to approve the November 20, 2008 minutes as written; Craig Francisco seconded the motion, all in favor

NOVEMBER 24, 2008 MINUTES: George Malette moved to approve the November 24, 2008 minutes as written; Frank Bolton seconded the motion, all in favor.

LETTER OF SUPPORT FOR THE SCENIC BY-WAYS: George Malette stated that the Town is being asked by SNHPC to get each of the 4 towns (New Boston, Dunbarton, Goffstown and Weare) that are part of the General John Stark Scenic By-Way for letters of support. Mr. Malette will write the letter of support and Chairman Morin will sign it. Tom Clow made a motion to write a letter of support for the scenic by-ways plan; Craig Francisco seconded the motion, all in favor.

IV. ADJOURNMENT:

As there was no further business to come before the board, Craig Francisco moved to adjourn at 11:15 PM; Frank Bolton seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton
Land Use Coordinator